

REMARKS

Claims 1-20 are pending in the application. The Office Action: (a) rejected claims 1-2 and 4-7 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,484,442 to Melker et al. ("Melker"); (b) rejected claims 1-2, 4-10, and 13-14 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,048,343 to Mathis et al. ("Mathis"); (c) rejected claims 15-19 as anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,610,079 to Li et al. ("Li"); and (d) rejected claims 15-20 as anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,752,809 to Gorek.

In addition, the Office Action (e) rejected claim 3 as unpatentable pursuant to 35 U.S.C. § 103(a) over the combination of Melker and U.S. Patent No. 4,537,185 to Stednitz ("Stednitz"); (f) rejected claim 3 as unpatentable pursuant to 35 U.S.C. § 103(a) over the combination of Mathis and Stednitz; and (g) rejected claims 11 and 12 as unpatentable pursuant to 35 U.S.C. § 103(a) over the combination of Mathis and U.S. Patent No. 4,903,691 to Heintz.

Applicant amends claims 1, 2, 6, 9, and 15 to more particularly point out and distinctively claim the inventive subject matter. Independent claim 1 relates to a "bone tap for introducing fluid into a vertebra," and recites a "body configured to be driven through a pedicle attached to the vertebra" and "one or more openings through the threading in communication with the passage, the one or more openings configured to introduce fluid into the vertebra." Claims 2-8 depend on claim 1 and therefore include the same limitations.


Independent claim 9, relating to a "system for forming a threaded hole in a bone," includes, among other limitations, "at least one dilator configured to provide access to the bone." Claims 10-14 depend on claim 9 and, consequently, include that limitation. Finally, independent claim 15 for a "method of introducing a fluid into a bone" includes, together with other limitations, "using minimally invasive surgical procedures to access the bone." Claims 16-20 depend on claim 15 and therefore recite the same limitation.

The Applicant respectfully submits that the cited references fail to anticipate or render obvious the pending claims because they fail to teach or suggest at least the limitations quoted above. Accordingly, the Applicant respectfully submits that the presently pending claims are allowable and respectfully requests a prompt Notice of Allowance.

The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,
Frankel and Koysh

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